

**REMARKS**

Claims 1-72 are pending in the present reissue application. Reexamination and reconsideration is respectfully requested.

The Examiner rejected claims 1-72 as being based on a defective reissue declaration under 35 U.S.C. § 251. According to the Examiner, the previously submitted declaration did not identify each inventor by full name and country of citizenship. A reissue declaration is enclosed herewith that identifies each inventor by full name and country of citizenship. Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

The Examiner rejected claims 53-73 under 35 U.S.C. § 102(e) as being anticipated by Shimizu (US 5696342). The rejection is respectfully traversed.

The present invention relates to a system for synthesizing a musical tone. Such systems may include a processor that provides control information for generating a waveform of the musical tone. It is important to monitor the load on the processor. The present invention can detect the load imposed on the processor and has a controller that controls the variable period at which the processor provides the variable control information, according to the detected load. For example, as illustrated in Fig. 22, tone control parameters corresponding to the MIDI messages M1, M2 and M3 received in time frame T1 are used to generate tone waveform data in time frame T2. The time frames T1, T2, etc. are variable based on the load of the processor.

Shimizu does not disclose a controller that controls the variable period at which the processor provides the control information, according to the detected load of the processor as recited in claim 53. Col. 8, lines 17-21 cited by the Examiner merely discloses determining whether there is sufficient time for calculating waveform data at a high precision sampling frequency (48 kHz) and, if not, lowering the calculating precision by adjusting the sampling clock. In other words, the sampling frequency may be reduced if there is not enough time to perform the calculations at the high precision sampling frequency. There is no disclosure or suggestion that the time frame for performing the calculations is variable based on the load of the processor. Accordingly, Applicants

respectfully submit that claim 53 and its dependent claims 54 and 55 are not anticipated by or obvious in view of Shimizu.

Claim 56 recites a controller that controls the variable frequency by which the processor successively provides the control information, according to the detected load of the processor. As discussed above, Shimizu merely discloses adjusting the sample frequency and does not disclose controlling the variable frequency by which the processor successively provides the control information, according to the detected load of the processor. Accordingly, Applicants respectfully submit that claim 56 and its dependent claims 57 and 58 are not anticipated by or obvious in view of Shimizu.

Claim 59-72 either recite controlling the variable period or frequency at which the processor provides the control information, according to the detected load of the processor. For at least the same reasons set forth above, Shimizu does not anticipate or render obvious any of these claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032020730.

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Respectfully submitted,

By 

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Enclosure: Reissue Application Declaration And Power Of Attorney By Inventor